



US Army Corps  
of Engineers®

# Public Notice

Public Notice No. 07-69

Date: August 7, 2007

Nashville District

Application No. 200701556 Expires: September 6, 2007

Please address all comments to: Regulatory Branch, 3701 Bell Road, Nashville, TN 37214-2660; ATTN: J. Ruben Hernandez

JOINT PUBLIC NOTICE  
US ARMY CORPS OF ENGINEERS  
AND  
TENNESSEE VALLEY AUTHORITY

SUBJECT: Proposed Stream Encapsulations and Channel Relocations at Unnamed Tributaries to the West Prong Little Pigeon River, in Pigeon Forge, Sevier County, Tennessee

TO ALL CONCERNED: The application described below has been submitted for a Department of the Army (DA) Permit pursuant to **Section 404 of the Clean Water Act (33 USC 1344) and Tennessee Valley Authority permit pursuant to Section 26a of the TVA Act (16 USC 831y-1)**. Before a DA permit can be issued, certification must be provided by the State of Tennessee, Division of Water Pollution Control, pursuant to Section 401(a)(1) of the CWA, that applicable water quality standards will not be violated. The applicant has applied for the State certification by separate application (NRS 07-034).

APPLICANT: City of Pigeon Forge  
P.O. Box 1350  
Pigeon Forge, Tennessee 37868-1350

LOCATION: Several unnamed tributaries to West Prong Little Pigeon River, in Pigeon Forge, Sevier County, Tennessee, Lat 35.7999N, Lon 83.5656W, USGS Pigeon Forge Topographic Quadrangle.

DESCRIPTION: The applicant proposes to extend Jake Thomas Road, widen Teaster Lane, expand the intersection at Teaster Lane and Jake Thomas Road, and create a regional parking facility as part of their regional plan to address traffic problems in the city. The Teaster Lane widening would occur from approximately 2,200' east of the Teaster Lane and Jake Thomas Road intersection to a point approximately (approx) 3,800' west of the intersection. The planned road improvements would serve a variety of developments including the proposed Pigeon Falls Village, Main Street Marketplace, and West Terrace Development. The Jake Thomas Road extension, which would be accessed in part by Pigeon Falls Lane, would eventually link the Parkway in Pigeon Forge to the Dollywood theme park and the Middle Creek Road regional bypass.

Stream Impacts. The proposed work would impact approx. 7,228' (6,291' culvert and 937' relocated channel) of several unnamed tributaries to the West Prong Little Pigeon River. Some stream descriptions are provided below:

Stream H: This stream is located within the proposed Jake Thomas Road extension (east of the proposed Pigeon Falls Village). It flows generally north-south to Teaster Lane at the existing Teaster Lane/Jake Thomas Road intersection. Approx. 3,299' would be filled. The upper portion of the channel is poorly defined but becomes more defined as it flows south toward Teaster Lane. The average channel width is 2-4'. The substrate is primarily pebbles and silt. Flow is intermittent with average depths of 2-4". Macroinvertebrate life was observed.

Stream G-1: This stream is located along the south side of Teaster Lane east of the Jake Thomas/Teaster Lane intersection. It flows generally east to west then turns south and flows into the West Prong. The channel is poorly defined, lacks sinuosity, and possesses a mud and silt substrate with minimal in-stream habitat. Macroinvertebrate life was observed.

Streams E and F-1: Approx. 937' of these streams are proposed for relocation. They are located on the south side of Teaster Lane and the proposed Pigeon Falls Development on either side of the proposed regional parking facility. Both streams have been relocated in the past. Stream E currently flows in a poorly defined channel at the toe of a retaining wall. The applicant expects that the relocations of both channels and the creation of fringe wetlands would result in improvement to their overall quality. Both would be monitored and annual reports required.

Wetland Impacts. Approx. 0.47 acres of herbaceous jurisdictional wetlands would be impacted in three areas: Wetland 1 - 0.20 acres by the widening of Teaster Lane; Wetland 2 - 0.12 acres; and Wetland 3 - 0.15 acres of a larger wetland area with the construction of the regional parking facility.

Construction Methods/Commitments. French drains and pipes would be used in the channel to collect the subsurface seeps and springs. An impermeable layer would be constructed over the french drains and pipes to separate the subsurface flow from the proposed development. In addition, a collection/treatment system is designed to collect/treat stormwater runoff from the majority of the new proposed roadways. A portion of the existing Teaster Lane would be retrofitted with the collection system during the proposed road improvements. The collection system would receive runoff and transfer it to a subsurface treatment system to be located on the City's portion of the terrace area (regional

parking facility). In addition to the proposed stormwater management system, the City is committed to using pervious pavement in its proposed parking areas. Parking areas would be graded to drain towards 8' wide pervious concrete strips underlain by a perforated pipe embedded in gravel. These pavement strips would collect stormwater runoff and facilitate infiltration for up to a 10-year storm.

Alternatives. The applicant states that it has attempted to avoid stream impacts but because of existing/proposed development the option for acquiring R.O.W. is limited. It adds that topography, regional traffic concerns, utility corridors, and regional road improvements were related to the need to conduct these activities at their proposed locations. The proposed road improvements were able to accommodate 937' of stream relocations as opposed to encapsulations. The relocations are located in the down-gradient portions of some of the tributaries where impacts are proposed.

Wetland Mitigation. Compensatory wetland mitigation would consist of the onsite creation of 0.47 acres adjacent to relocated stream F-1 and 0.30 acres adjacent to relocated stream E. Both would be designed as floodplain wetlands to receive overbank flow. Hydric material would be utilized from the existing wetland. Wetland trees species shall be planted on 10-foot centers. In addition, the applicant would purchase 0.42 excess credits that Riverwalk Park, LLC, bought from the Indian Creek Advanced Wetland Mitigation Site in Roane County. A total of 1.19 acres would be generated to offset impacts to 0.47 acres. The applicant shall monitor the created wetlands and guarantee success for five years.

Stream Mitigation. The applicant could not identify suitable mitigation sites in the area, and therefore, compensatory stream mitigation for impacts to 6,291' of stream would consist of a payment of \$200/foot to the Tennessee Stream Mitigation Program.

**ADDITIONAL PROPOSED AREA DEVELOPMENT:** By separate public notices we are advertising additional projects planned for the Pigeon Forge area. Information on these projects may be obtained by visiting: <http://www.lrn.usace.army.mil/cof/notices.htm>

*Pigeon Falls Village:* Pigeon Falls, LLC proposes to commercially develop an 85-acre tract located north-northeast of the Jake Thomas Road and Teaster Lane intersection. (Public Notice 07-68, File 200602640)

*Pigeon Falls Lane:* The City of Pigeon Forge proposes the construction of a roadway to alleviate regional traffic problems. (Public Notice 07-67, File 200600583)

Plans of the proposed work are attached to this notice.

The decision whether to issue a permit will be based on an evaluation of the probable impacts including cumulative impacts of the activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the work must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the work will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. In addition, the evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b)(1) of the CWA (40 CFR Part 230). A permit will be granted unless the District Engineer determines that it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

An Environmental Assessment will be prepared by this office prior to a final decision concerning issuance or denial of the requested Department of the Army Permit.

Cultural Resources. A Phase I archaeological survey was completed by DuVall & Associates, Inc., in 2004 for the area comprising approx. 85 acres of vacant land northeast of Teaster Lane in Pigeon Forge, Tennessee. This area is planned to be developed as a project known as Pigeon Falls Village. The report entitled: *A Phase I Archaeological Survey of the Proposed Riverwalk Park*

*Development (Management Area A: Uplands) Along Teaster Lane in Pigeon Forge, Sevier County, Tennessee*, documents that no archaeological sites or historic properties were identified on the development site. In addition, a Phase I archaeological survey was completed by DuVall & Associates, Inc., in 2004 for the floodplain areas of the Jake Thomas Farm southwest of Teaster Lane. The report entitled: *Phase I Archaeological Survey of a Portion of the Proposed Riverwalk Development (Management Area B: Terraces) Pigeon Forge, Sevier County, Tennessee*, documents that a prehistoric site (40SV164) potentially eligible for the National Register of Historic Places (NRHP) could be affected.

In 2007, the City of Pigeon Forge contracted to have a Phase II and limited Phase I archaeological survey conducted on 40SV164. Consultation will be undertaken between the federal agencies and the Tennessee State Historic Preservation Officer upon review of the Phase II report. This review constitutes the full extent of cultural resources investigations unless comment to this notice is received documenting that significant sites or properties exist which may be affected by this work, or that adequately documents that a potential exists for the location of significant sites or properties within the permit area. Copies of this notice are being sent to the office of the State Historic Preservation Officer.

Endangered Species. Based on available information, the proposal will not destroy or endanger any federally-listed threatened or endangered species or their critical habitats, as identified under the Endangered Species Act. Therefore, we have reached a no effect determination. Initiation of formal consultation procedures with the U.S. Fish and Wildlife Service is not planned at this time.

Other federal, state, and/or local approvals required for the proposed work are as follows:

- a. Tennessee Valley Authority (TVA) approval under Section 26a of the TVA Act. In addition to other provisions of its approval, TVA would require the applicant to employ best management practices to control erosion and sedimentation, as necessary, to prevent adverse aquatic impacts.
- b. Water quality certification from the State of Tennessee in accordance with Section 401(a)(1) of the Clean Water Act.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Such requests shall state, with particularity, the reasons for holding a public hearing.

Public Notice No. 07-69

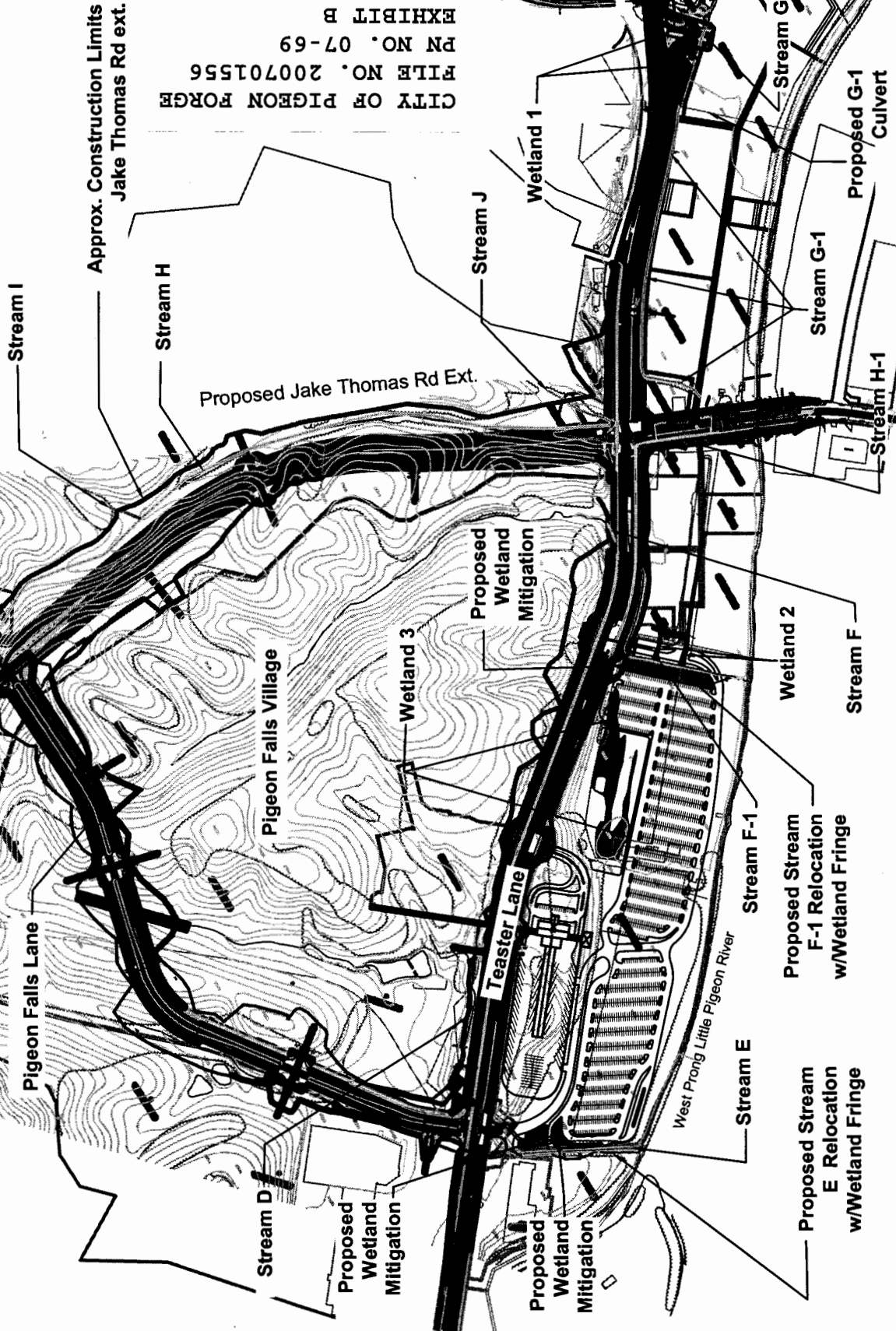
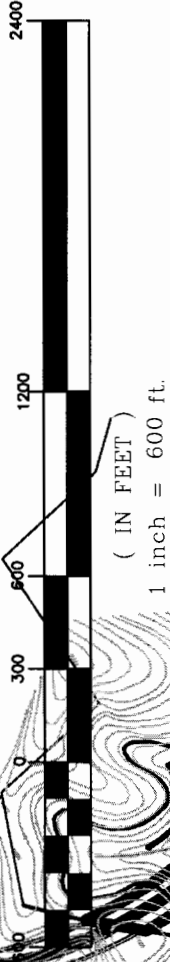
Written statements received in this office on or before September 6, 2007, will become a part of the record and will be considered in the determination. Any response to this notice should be directed to the Regulatory Branch, Attention: J. Ruben Hernandez, at the above address, telephone (615) 369-7519. It is not necessary to comment separately to TVA since copies of all comments will be sent to that agency and will become part of its record on the proposal. However, if comments are sent to TVA, they should be mailed to Ms. Karen Stewart, Holston-Cherokee-Douglas Watershed Team, 3726 E. Morris Boulevard, Morristown, Tennessee 37813-1270.

If you received this notice by mail and wish to view all of the diagrams, visit our web site at:  
<http://www.lrn.usace.army.mil/cof/notices.htm>, or contact Mr. Hernandez at the above address or phone number.



NOT FOR CONSTRUCTION

GRAPHIC SCALE



CITY OF PIGEON FORGE  
FILE NO. 200701556  
PN NO. 07-69  
EXHIBIT B

Approx. Construction Limits  
Jake Thomas Rd ext.

# City of Pigeon Forge Proposed Road Improvements Proposed Stream and Wetland Impacts

Pigeon Forge, Tennessee

1413 Topside Road  
Louisville, Tennessee 37777


ENGINEERING, TESTING  
ENVIRONMENTAL SERVICES  
WWW.S&ME.COM  
Phone: (865) 970-0003  
Fax: (865) 970-2312



DATE:	05-21-07
PROJECT NO.:	1434-05-679
SCALE:	1"=600'
APPROVED BY:	EMP
DRAWN BY:	CRH

FIGURE 2A





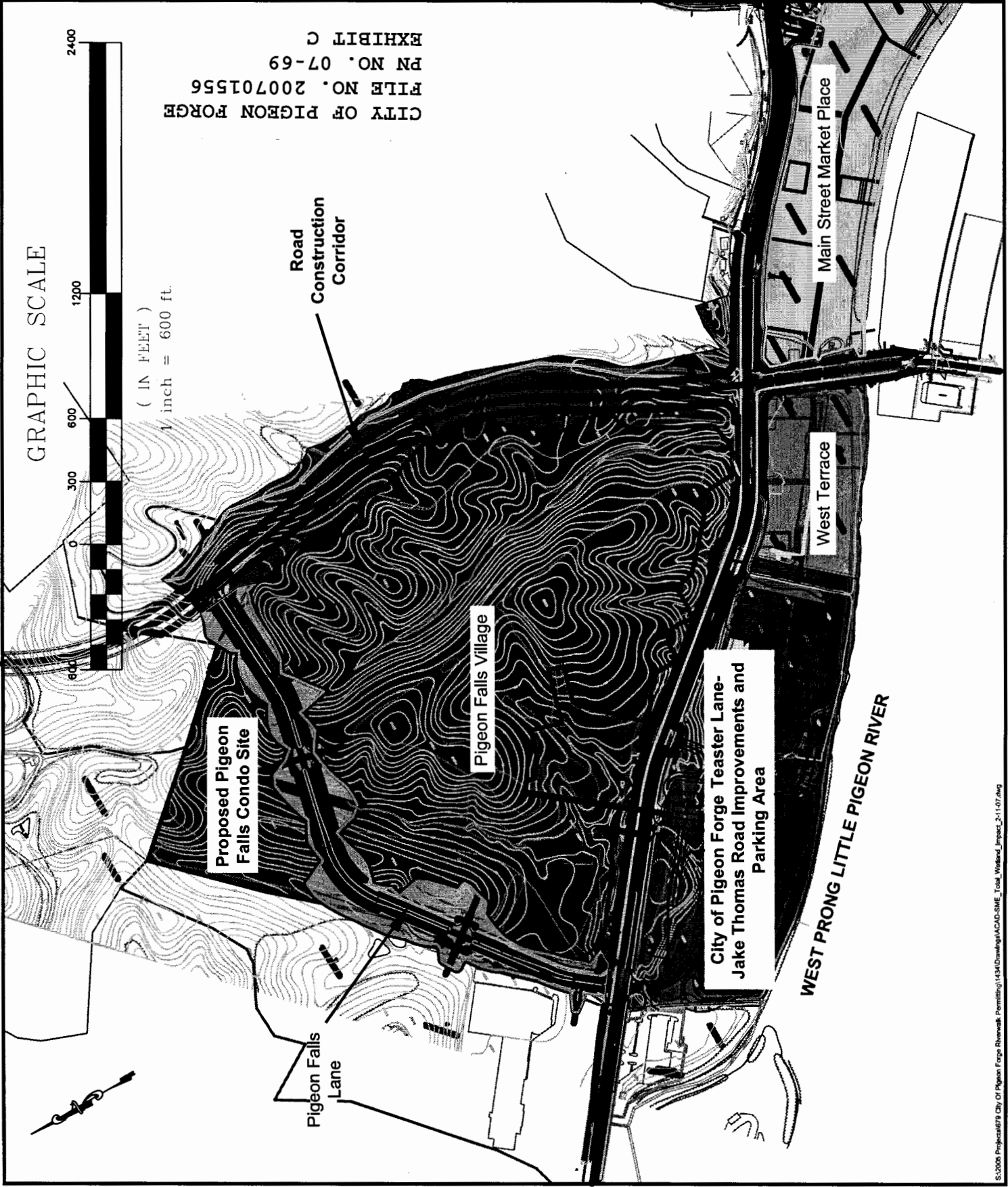
**ENGINEERING TESTING  
ENVIRONMENTAL SERVICES**  
 WWW.S&MEINC.COM  
 Phone: (865) 970-0003  
 Fax: (865) 970-2312

1413 Topside Road  
 Louisville, Tennessee 37777

Former Jake Thomas Farm  
 Development Plans  
 Proposed Stream and Wetland Impacts  
 Pigeon Forge, Tennessee

DATE:	05-21-07
PROJECT NO.:	1434-05-679
SCALE:	1"=600'
APPROVED BY:	EMP
DRAWN BY:	CRH

FIGURE 1



NOT FOR CONSTRUCTION



ENGINEERING TESTING  
ENVIRONMENTAL SERVICES  
WWW.S&MEINC.COM

Phone: (865) 970-0003  
Fax: (865) 970-2312

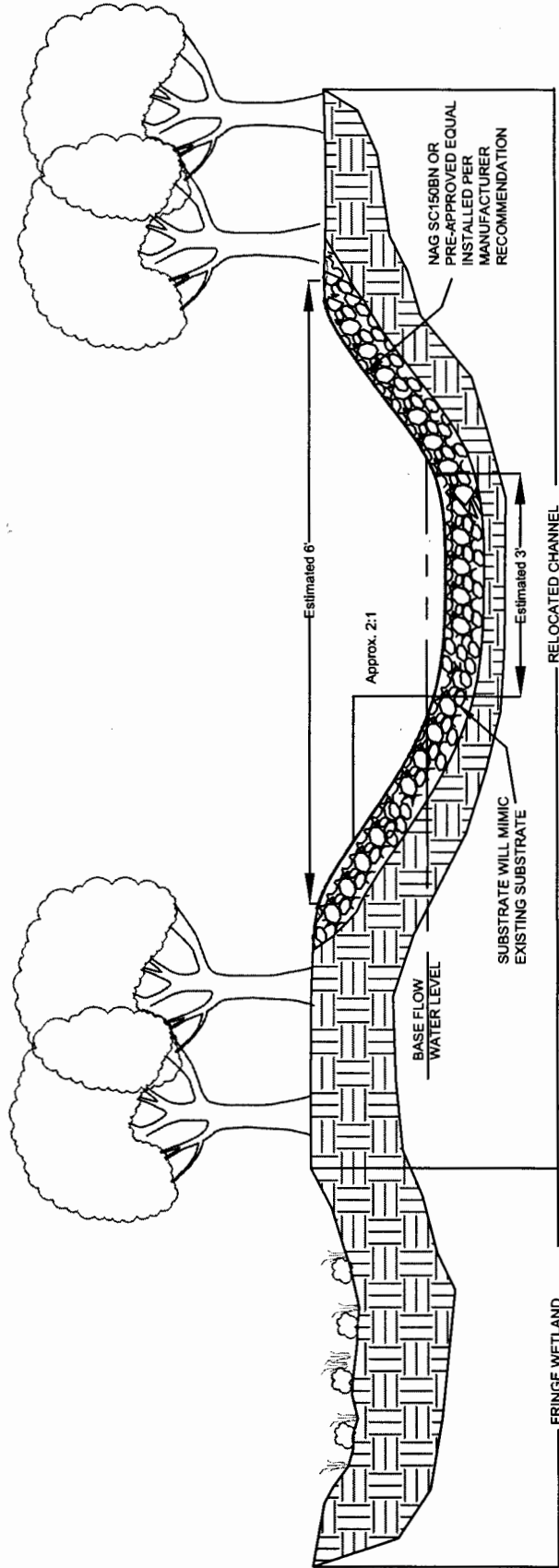
1413 Topside Road  
Louisville, Tennessee 37177

# City of Pigeon Forge Proposed Stream Relocation Proposed Stream Cross Section

DATE:	05-21-07
PROJECT NO.:	1434-05-679
SCALE:	NTS
APPROVED BY:	EMP
DRAWN BY:	CRH

FIGURE 2A

CITY OF PIGEON FORGE  
FILE NO. 200701556  
PN NO. 07-69  
EXHIBIT D



TYPICAL CROSS-SECTION  
RELOCATED STREAM AND FRINGE WETLANDS  
N.T.S.

## Stream and Wetland Impacts

Stream D	427 ft
Stream E	477 ft
Stream F	79 ft
Stream F-1	847 ft
Stream G	127 ft
Stream G-1	1443 ft
Stream H	3299 ft
Stream H-1	110 ft
Stream I	133 ft
Stream J	286 ft
<b>TOTAL STREAM IMPACTS</b>	<b>7228 ft</b>
<b>PROPOSED STREAM RELOCATION</b>	<b>937 ft</b>
<b>STREAM BALANCE</b>	<b>6291 ft</b>
Wetland 1	0.20 ac
Wetland 2	0.12 ac
Wetland 3	0.15 ac
<b>TOTAL WETLAND IMPACTS</b>	<b>0.47 ac</b>
<b>PROPOSED WETLAND MITIGATION</b>	<b>0.77 ac</b>
<b>WETLAND BALANCE (2:1 MITIGATION RATIO)</b>	<b>0.17 ac</b>

FIGURE 2B

DRAWN BY:	CRH
APPROVED BY:	EMP
SCALE:	NA
PROJECT NO.:	1434-05-679
DATE:	05-21-07

**City of Pigeon Forge**  
**Proposed Road Improvements**  
 Proposed Stream and Wetland Impacts  
 Pigeon Forge, Tennessee



ENGINEERING, TESTING  
 ENVIRONMENTAL SERVICES  
 WWW.SMEINC.COM

1413 Topside Road  
 Louisville, Tennessee 37777

Phone: (865) 970-0003  
 Fax: (865) 970-2312